

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA	)	UNDER SEAL
)	
v.	)	Criminal No. 3:02CR134
)	
EL SAYED H. RASHWAN,	)	18 U.S.C. § 371
(Counts 1 - 8)	)	Conspiracy
and	)	(Count 1)
)	
BARBARA HANCOCK,	)	18 U.S.C. § 1028(a)(1)
(Counts 1, 5 and 8)	)	Identification Fraud
	)	(Counts 2 - 4)
Defendants.)	
	)	8 U.S.C. § 1325(c)
	)	Marriage Fraud
	)	(Count 5)
)	
	)	18 U.S.C. § 1546(a)
	)	Making False Statement
	)	(Count 6)
)	
	)	18 U.S.C. § 1546(a)
	)	Presenting False Statement
	)	(Count 7)
)	
	)	18 U.S.C. § 1503
	)	Obstruction of Justice
	)	(Count 8)

SUPERSEDING INDICTMENT

JUNE 2002 TERM - AT RICHMOND

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy)

At all times relevant and material to this Superseding Indictment:

Introduction

1. The defendant, EL SAYED HASSAN RASHWAN, an Egyptian national, entered the United States at New York, New York on July 2, 1999 on a six-month visitor's visa. After January 2, 2000, he fraudulently stayed in the United States.

2. Jane Doe entered into a sham marriage with defendant EL SAYED HASSAN RASHWAN to enable him to fraudulently remain in the United States.

3. BARBARA HANCOCK, a resident of Richmond, Virginia, was the girlfriend of defendant EL SAYED HASSAN RASHWAN. She allowed RASHWAN to live in her apartment at 5300 Glenside Drive, Richmond, Virginia. She assisted RASHWAN in making it fraudulently appear to the U. S. Immigration and Naturalization Service (INS) that he was married to Jane Doe.

Obtaining Identification Documents

4. To obtain a Virginia identification card or Virginia driver's license, an applicant must ordinarily present proof of identity and Virginia residence to the Virginia Department of Motor Vehicles (DMV). The DMV requires two official

identification documents as proof of identity and one official or business document as proof of Virginia residence. Prior to September 21, 2001, however, applicants lacking the required documentary proof of identity and Virginia residence could complete and submit DMV forms DL6 and DL51 in lieu of the required documents.

5. DMV form DL6 is an identity affidavit. Prior to September 21, 2001, the DMV would accept a properly completed DL6 form in lieu of one of the two identification documents required to apply for a license or identification card. The form requires the applicant to provide and swear to his name, address, and basic biographic information.

6. DMV form DL51 is a residency certification. Prior to September 21, 2001, the DMV would accept a properly completed DL51 form in lieu of documentary proof of Virginia residence. The form requires the applicant to provide and swear to his name and to his place and length of Virginia residence. The form further requires the sworn, notarized certification of a Virginia resident. Through the certification, the Virginia resident swears that he is personally acquainted with the applicant and that the applicant lives at the Virginia address listed on the form.

7. Virginia identity affidavits, identification cards, and driver's licenses are

identification documents made and issued by and under the authority of the Commonwealth of Virginia.

Conspiracy

8. From in or about July 1999 and continuing until the date of this Superseding Indictment, the defendants, EL SAYED HASSAN RASHWAN and BARBARA HANCOCK, did unlawfully, knowingly, and intentionally combine, conspire, confederate and agree with each other, and other persons known and unknown to the Grand Jury to (1) commit the following offenses against the United States:

(a) to knowingly and without lawful authority produce identification documents in and affecting interstate commerce, in violation of Title 18 United States Code, Section 1028(a)(1);

(b) to knowingly and unlawfully enter into marriage for the purpose of evading a provision of the immigration laws of the United States, in violation of Title 8, United States Code, Section 1325;

(c) to knowingly subscribe under penalties of perjury to an application required by the immigration laws and regulations prescribed thereunder, containing a materially false statement, in violation of Title 18, United States Code, Section 1546(a); and

(2) to defraud the United States by impeding, impairing, obstructing, and defeating the lawful governmental functions of the INS, an agency of the Department of Justice, in the enforcement of the laws which regulate the admission of foreign-born persons to the United States, and in the administration of immigrant benefits, including the naturalization of resident aliens.

Manner and Means

9. It was part of the conspiracy that after unsuccessfully attempting to obtain driver's licenses in New Jersey, EL SAYED HASSAN RASHWAN and his conspirators, known and unknown to the grand jury, would and did travel from New Jersey to Virginia to obtain false identification documents from the Virginia Department of Motor Vehicles. As part of the application process, a conspirator would submit a false residency certification for RASHWAN. Such identification documents made it easier for RASHWAN to live and work in the United States without authorization.

10. It was part of the conspiracy that EL SAYED HASSAN RASHWAN and his conspirators would and did seek permanent resident status for RASHWAN by submitting fraudulent documents, and making fraudulent oral representations to the INS, regarding his "marriage" to Jane Doe, a United States Citizen.

11. It was also part of the conspiracy that EL SAYED HASSAN

RASHWAN and BARBARA HANCOCK and their conspirators would and did make it fraudulently appear to the INS and other federal and state agencies that might be in contact with the INS, that EL SAYED HASSAN RASHWAN and Jane Doe were living together as man and wife in Apartment 1806, 5300 Glenside Drive, Richmond, Virginia. This included hanging pictures of Jane Doe on the walls of HANCOCK's apartment.

12. It was a part of the conspiracy that EL SAYED HASSAN RASHWAN would and did plead with Jane Doe not to divorce him because the INS would deport him.

13. It was part of the conspiracy, that EL SAYED HASSAN RASHWAN would put assets in his name and Jane Doe's name, and obtain joint credit cards with Jane Doe, without Jane Doe's knowledge or authorization.

Overt Acts

14. In furtherance of the conspiracy and to effect the objects thereof, the defendants and other conspirators, both known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Virginia and elsewhere:

(1) On or about September 5, 2000, EL SAYED HASSAN RASHWAN traveled with a conspirator from New Jersey to Virginia to

fraudulently obtain identification documents from the Virginia Department of Motor Vehicles.

(2) On or about September 5, 2000, EL SAYED HASSAN RASHWAN obtained a Virginia Identification Card based on fraudulent residence information.

(3) On or about September 6, 2000, EL SAYED HASSAN RASHWAN fraudulently obtained a Virginia Driver's Instructional Permit based on fraudulent residence information.

(4) In or about October of 2000, EL SAYED HASSAN RASHWAN offered Jane Doe the opportunity to stay in his apartment at 4107 Monarch Crescent, Richmond, Virginia without paying rent, if she would enter into a "marriage" with him to allow him to obtain permanent residency status in the United States.

(5) On or about September 6, 2000, EL SAYED HASSAN RASHWAN obtained a Virginia Driver's license based on fraudulent residence information.

(6) On or about December 6, 2000, at 4107 Monarch Street, Richmond, Virginia EL SAYED HASSAN RASHWAN entered into a sham marriage with Jane Doe, to obtain permanent residence status in the United States.

(7) In or about May 21, 2001, EL SAYED HASSAN RASHWAN caused an attorney in Richmond to submit the following documents to the INS: (i) a fraudulent petition (I-130) by Jane Doe seeking permanent residence status for RASHWAN based on RASHWAN's "marriage" to her, a United States citizen; and (ii) a fraudulent petition (I-485) seeking permanent residence status for RASHWAN based on his "marriage" to a United States citizen.

(8) On or about December 10, 2001, EL SAYED HASSAN RASHWAN titled a 1991 Pontiac in his name and the name of Jane Doe without Jane Doe's permission.

(9) In or about February 2002, in anticipation of a meeting with INS, EL SAYED HASSAN RASHWAN visited Jane Doe and they exchanged personal information, such as birthdays and favorite colors, so that they could convince INS that they were still "married."

(10) On or about February 14, 2002, EL SAYED HASSAN RASHWAN and Jane Doe met with representatives of the INS to convince INS that they were in a valid marriage in order to fraudulently obtain permanent residence status for RASHWAN.

(11) On or about February 14, 2002, DMV investigators visited 5300 Glenside Drive and inquired about Jane Doe's whereabouts. EL SAYED

HASSAN RASHWAN fraudulently represented that Jane Doe lived there, but was at work at the time.

(12) On or about February 15, 2002 at 1:16 P.M., BARBARA HANCOCK called a DMV investigator and falsely represented herself as Jane Doe, the wife of EL SAYED HASSAN RASHWAN. HANCOCK also left a return telephone number of 266-5084, which is the telephone of EL SAYED HASSAN RASHWAN and BARBARA HANCOCK.

(13) On or about February 15, 2002 at 1:29 P.M., BARBARA HANCOCK called another DMV investigator and falsely represented herself as Jane Doe, the wife of EL SAYED HASSAN RASHWAN.

(14) On or about April 9, 2002, BARBARA HANCOCK falsely told a Magistrate Judge that she was a roommate of RASHWAN and his wife, Jane Doe.

(15) In or about the middle of April 2002, EL SAYED RASHWAN and BARBARA HANCOCK asked Jane Doe to provide false information to RASHWAN's lawyer.

(In violation of Title 18, United States Code, Section 371.)

COUNT TWO

(Identification Fraud - Identification Card)

On or about September 5, 2000, at Richmond, Virginia, in the Eastern District of Virginia, the defendant, EL SAYED H. RASHWAN, knowingly and without lawful authority produced an identification document, namely a Virginia Identification Card, and aided and abetted the same, when such production was in and affected interstate commerce, in that in the application process for a Virginia identification card and instructional permit (DIP), the defendant submitted (1) an application and (2) a residency certification (DMV Form DL 51) on both of which he fraudulently stated his residence was 2201 Ridgefield Greenway, Richmond, Virginia, when in fact he had just moved from New Jersey, and never lived at 2201 Ridgefield Greenway.

(In violation of Title 18, United States Code, Sections 1028(a)(1), (b)(1)(A)(ii), and (c)(3)(A), and 2.)

COUNT THREE

(Identification Fraud - Driver's Instructional Permit)

On or about September 6, 2000, at Richmond, Virginia, in the Eastern District of Virginia, the defendant, EL SAYED H. RASHWAN, knowingly and without lawful authority produced an identification document, namely a Driver's

Instructional Permit, when such production was in and affected interstate commerce, in that in the application process he submitted (1) an application to obtain a drivers instructional permit (DIP) and (2) the Virginia Identification Card fraudulently obtained on September 5, 2000, on both of which it was fraudulently stated that the defendant lived at 2201 Ridgefield Greenway, Richmond, Virginia, when in fact he had just moved from New Jersey, and never lived at 2201 Ridgefield Greenway.

(In violation of Title 18, United States Code, Sections 1028(a)(1), (b)(1)(A)(ii), and (c)(3)(A), and 2.)

COUNT FOUR

_____ (Identification Fraud - Driver's License)

On or about October 18, 2000, at Richmond, Virginia, in the Eastern District of Virginia, the defendant, EL SAYED H. RASHWAN, knowingly and without lawful authority produced an identification document, namely a Virginia Driver's License, when such production was in and affected interstate commerce, in that in the application process he submitted (1) an application to obtain a driver's license and (2) the Virginia Drivers Instructional Permit fraudulently obtained on September 6, 2000, on both of which it was fraudulently stated that the defendant lived at 2201 Ridgefield Greenway, Richmond, Virginia, when in

fact he never lived at 2201 Ridgefield Greenway.

(In violation of Title 18, United States Code, Section 1028(a)(1), (b)(1)(A)(ii), and (c)(3)(A).)

COUNT FIVE

(Marriage Fraud)

1. Paragraphs 1 - 3 and 9 - 14 of Count One are hereby realleged and incorporated herein.

2. On or about December 6, 2000, at 4107 Monarch Street, Richmond, Virginia, within the Eastern District of Virginia, the defendant, EL SAYED HASSAN RASHWAN, for the purpose of evading a provision of the immigration laws of the United States, namely Title 8, United States Code, Section 1186(a), which regulates eligibility for conditional permanent residence status for an alien spouse, did knowingly and unlawfully enter into a sham marriage with Jane Doe. (In violation of Title 8, United States Code, Section 1325(c).)

COUNT SIX

(Making False Statement)

1. Paragraphs 1 - 3 and 10 - 13 of Count One are hereby realleged and incorporated herein.

2. On or about April 30, 2001, at Richmond, Virginia, within the Eastern

District of Virginia, the defendant, EL SAYED HASSAN RASHWAN, did knowingly and unlawfully subscribe an application, affidavit and other document required by the immigration laws and regulations prescribed thereunder, namely INS Form I-485, entitled “Application to Register Permanent Resident or Adjust Status,” which contained language that it was made under penalties of perjury under Title 28, United States Code, Section 1746, and which contained a false statement as to a material fact, namely that the application stated that RASHWAN was married to a person who was born in the United States, when in fact, as known by RASHWAN, the “marriage” was a sham marriage for the purpose of evading United States immigration laws.

(In violation of Title 18, United States Code, Sections 1546(a) and 2.)

COUNT SEVEN

(Presenting False Statement)

1. Paragraphs 1 - 3 and 10 - 13 of Count One are hereby realleged and incorporated herein.

2. On or about June 4, 2001, at Richmond, Virginia, within the Eastern District of Virginia, the defendant, EL SAYED HASSAN RASHWAN, did knowingly and unlawfully present and cause to be presented to the INS, an application, affidavit and other document required by the immigration laws and regulations prescribed thereunder, namely INS Form I-485, entitled “Application

to Register Permanent Resident or Adjust Status,” which contained language that it was made under penalties of perjury under Title 28, United States Code, Section 1746, and which contained a false statement as to a material fact, namely that the application stated that RASHWAN was married to a person who was born in the United States, when in fact, as known by RASHWAN, the “marriage” was a sham marriage for the purpose of evading United States immigration laws.

(In violation of Title 18, United States Code, Sections 1546(a) and 2.)

COUNT EIGHT

(Obstruction of Justice)

1. Paragraphs 1 - 3 and 10 - 13 of Count One are hereby realleged and incorporated herein.

2. In or about the early part of 2002, law enforcement officials from the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Virginia Division of Motor vehicles were investigating EL SAYED HASSAN RASHWAN for identification fraud and immigration fraud.

3. On or about April 8, 2002, EL SAYED HASSAN RASHWAN was charged in a federal criminal complaint with identification fraud, in violation of Title 18, United States Code, Section 1028(a)(1). Because identification fraud was a felony, another charging document, known as a grand jury indictment, was required by law to be returned within in at least thirty days.

4. On April 9, 2002, at a hearing in United States v. Rashwan, No. 02M96 in United States District Court, Magistrate Judge Dohnal released EL SAYED HASSAN RASHWAN and informed him of the conditions of his release, including the fact that he could not commit any new crimes or contact any potential witnesses, and the penalties for violations thereof. RASHWAN also signed a document entitled “Order Setting Conditions of Release,” which similarly described the conditions of his release and penalties, also warned him of the criminality of obstructing a criminal investigation, and contained an acknowledgment of the conditions and penalties.

5. At the same hearing, BARBARA HANCOCK told Magistrate Judge Dohnal that she was living with Rashwan and his wife.

6. In or about the middle of April 2002, in the Eastern District of Virginia, the defendants, EL SAYED HASSAN RASHWAN and BARBARA HANCOCK, did knowingly, intentionally, and unlawfully corruptly influence, obstruct, and impede, and endeavor to influence, obstruct, and impede, the due administration of justice, to wit: they asked Jane Doe to contact RASHWAN’s lawyer in United States v. Rashwan, and falsely tell him that she and RASHWAN were validly married.

(In violation of Title 18, United States Code, Sections 1503 and 2.)

A TRUE BILL:

FOREPERSON

Date: _____

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By: _____
David T. Maguire
Assistant United States Attorney

S. David Schiller
Assistant United States Attorney